

West Hartford Town Council Meeting

Tuesday, February 26, 2019

Members present

Chris Barnes, Shari Cantor, Leon Davidoff, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams, Alternate Farrar

Councilor Dodge arrived mid-meeting.

Meeting called to order at 8:16 PM

1. MEETING OPENING

A. Meeting Called to Order

B. Pledge of Allegiance

C. Roll Call Councilor Dodge was absent; Alternate Farrar was present.

2. APPROVAL OF MINUTES

A. 01-22-2019 Town Council Meeting Minutes

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

B. Public Hearing-27 Park Road and 14 Ringgold Street Minutes 01-08-2019

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

C. Public Hearing-Ordinance Permitting Accessory Apartments in One-Family Residence Districts Minutes 01-22-2019

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

D. Public Hearing - Application 1445-1459 New Britain Avenue Minutes 02-12-2019

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

3. PUBLIC FORUM

No one spoke

4. CONSIDERATION OF CONSENT CALENDAR

ITEMS MOVED 6B-6C; 11A-11I ; 13A-13B

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

5. UNFINISHED BUSINESS

Action: A. Application of FW CT-Corbins Corner Shopping Center, LLC, owner of 1459 New Britain Avenue located within Special Development District #6, 1445-1459 New Britain Avenue, to amend SDD #6 to authorize for Edge Fitness Club, proposed tenant for vacant Toys-R-Us space, extended hours for its illuminated signage, facade changes to the front of the club including along the walkway between parking areas, additional windows on the side and rear (south and east elevations) of the building, and improvements to the pedestrian walkway area including landscaping. (759) **(This agenda item will be the subject of a formal public hearing on February 12, 2019 and may not be addressed during Public Forum pursuant to Town Council Rules.)**

MOTION TO APPROVE WITH CONDITIONS

**SDD # 6 R1-19
1445 – 1459 New Britain Avenue
Condition of Approval**

The SDD application is approved subject to the condition that:

The existing condition of approval requiring illuminated signage to be turned off no later than 11:00 pm shall be modified with respect to The Edge Fitness Club as follows: Illuminated signage shall be allowed to remain lit during all hours after 11:00 pm when the club is open to the public.

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams, Alternate Farrar

Not Present at Vote: Dallas Dodge

B. Resolution Authorizing Acceptance of a Drainage Easement. (20181)

ADOPTED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

6. NEW BUSINESS

A. Resolution to Appropriate Energy Rebates of \$404,212.65 in the Fiscal Year 2018-2019 Budget of the Capital Projects Fund. (1258)

ADOPTED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

WHEREAS, the Town of West Hartford is committed to investing in energy conservation improvements as part of its overall energy management strategy; and

WHEREAS, in keeping with this commitment, West Hartford has completed numerous projects to conserve energy and reduce utility costs including street lighting, interior and exterior lighting, lighting controls, and building control system upgrade projects in a variety of municipal facilities; and

WHEREAS, these projects qualified under the Connecticut Energy Efficiency Fund program enabling West Hartford to apply for energy rebates; and

WHEREAS, West Hartford has received energy rebates in excess of anticipated reimbursements, with \$404,212.65 available for additional energy conservation projects;

NOW, THEREFORE, BE IT RESOLVED BY THE WEST HARTFORD COUNCIL that the use of \$404,212.65 in energy rebates for additional energy conservation projects is approved and the fiscal year 2018-2019 Capital Projects Fund budget is hereby amended as follows:

Increase Revenue

41-811615-80001-9361	Miscellaneous Reimbursements	\$404,212.65
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Increase Appropriation

41-811615-80001-3091	Energy Conservation	\$404,212.65
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B. Resolution to Appropriate \$5,165 in the Drug Enforcement Fund for the Purchase of Equipment. (1099)

ADOPTED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

WHEREAS, the Town of West Hartford has a Drug Enforcement Fund to fund the West Hartford Police Department's drug enforcement activities; and

WHEREAS, the Drug Enforcement Fund receives proceeds from the state and federal governments for drug asset forfeitures and earns interest income on the fund's available cash; and

WHEREAS, at the end of each fiscal year the unappropriated revenues and the unexpended appropriations in this fund are available for appropriation in the following fiscal year; and

WHEREAS, the West Hartford Police Department needs to replace a Lafayette Instruction LX6 computerized polygraph used to conduct criminal and applicant screening polygraph examinations; and

WHEREAS, said Lafayette Instruction LX6 computerized polygraph qualifies as an eligible expenditure under the guidelines established by the Drug Enforcement Administration of the United States Department of Justice; and

NOW, THEREFORE, BE IT RESOLVED BY THE WEST HARTFORD TOWN COUNCIL that the Fiscal Year 2018-2019 Drug Enforcement Fund budget is hereby amended as follows:

ESTIMATED REVENUES:

20-220305-20406-9399	Fund Balance	\$5,165
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APPROPRIATIONS:

20-220305-20406-3202	Capital Equipment	\$5,165
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Resolution to Appropriate Grant Funds of \$59,300 Awarded to the Town of West Hartford under the Federal Highway Safety Program for the Purpose of Distracted Driving High Visibility Enforcement. (195)

ADOPTED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

WHEREAS, the Town of West Hartford applied for and was awarded a grant under the Federal Highway Safety Program (State Project 0199-0745-2-BB) in the amount of \$59,300 to provide Distracted Driving High Visibility Enforcement from April 2, 2019 through August 15, 2019, and

WHEREAS, the goal of this program is to reduce fatalities and injuries resulting from crashes caused by driver distraction, especially those caused by handheld mobile phone use, and

WHEREAS, this goal can be reached through increasing enforcement, especially high visibility enforcement of Connecticut's handheld mobile phone ban for drivers in areas identified to have high rates of fatal and injury crashes, and

WHEREAS, the West Hartford Police Department will use these grant funds for extra enforcement activities in accordance with both federal and state regulations, policies, and procedures that govern the use of highway safety funds,

NOW, THEREFORE, BE IT RESOLVED BY THE WEST HARTFORD TOWN COUNCIL that the Town of West Hartford hereby accepts the grant funds under the Federal Highway Safety Program for the purpose of expanded Distracted Driving enforcement activities in accordance with the terms of the grant, and the fiscal year 2018-2019 General Fund budget is amended as follows:

Increase Estimated Revenue

01-220402-20101-9070	Federal Grant Revenue	\$59,300
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Increase Appropriations

01-220402-20101-1010	Overtime	\$59,300
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C. Resolution Approving a Collective Bargaining Agreement with Local 1241 International Association of Firefighters for the Period July 1, 2018 through June 30, 2022. (1075)

ADOPTED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Shari Cantor, Leon Davidoff, Dallas Dodge, Beth Kerrigan, Liam Sweeney, Ben Wenograd

NO: Chris Barnes, Mary Fay, Chris Williams

(Click here for Resolution)

7. Reports of Town Manager

Town Manager Matthew W. Hart presented his report to the Council.

8. Announcements

Upcoming events were reported by Mayor Cantor.

9. Reports of Corporation Counsel

10. Appointments

APPROVED

Motion by Shari Cantor, second by Beth Kerrigan.

Parks & Recreation Advisory Board:

Tanja Low appointed as a member for a term ending 12-31-2021.

Zoning Board of Appeals:

Olinda Morales appointed as an alternate member for a term ending 12-31-2019.

Pension Board:

Brittany Bermingham appointed as a member for a term ending 12-31-2023.

Pedestrian Bicycle Commission:

Denisse Gutierrez appointed as a member for a term ending 12-31-2019.

Ryan Nobrega appointed as a member for a term ending 12-31-2023.

Paul Hogan appointed as a member for a term ending 12-31-2023.

Colin Gillespie appointed as a member for a term ending 12-31-2023.

Greater Hartford Transit District:

Laura Cordes appointed as a member for a term ending 12-31-2019.

11. Reports of Standing or Special Committees

A. From Town Plan and Zoning Commission re: 35 Ringgold Street and 34 Crescent Street Recommending Approval

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

B. Zoning Board of Appeals re: Annual Report for 2018

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

C. 2018 Annual report of the Design Review Advisory Committee

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

D. 2018 Annual Report of the Town Plan and Zoning Commission

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

E. Town Plan & Zoning Commission - 2019 Officers & Committee Appointments

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

F. Minutes from Human Services Committee 01-24-2019

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

G. Minutes from Ad Hoc Subcommittee on Community and Economic Development 01-28-2019

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

H. Minutes from Finance Budget and Personnel Committee 02-04-2019

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

I. Minutes from Public Safety Committee Meeting 02-07-2019

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

12. CONSENT CALENDAR

ADOPTED

13. COMMUNICATIONS

- A. Notice of Town Planner's intention to approve, pursuant to Section 177-44C (9)(d) and (e), a request on behalf of Futures, Inc., for revisions to the approved Special Development District plan (SDD #67) located at 902 South Quaker Lane. The request is for minor architectural changes and the installation of a new accessory structure. (1022)

RECEIVED

(Click here for Notice)

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

Williams

B. Notice of Town Planner's intention to approve, pursuant to Section 177-44C (9)(f), a request, on behalf of The Mercy Community at the McAuley, for revisions to the approved Special Development District plan (SDD #33) located at 253 Steele Road. The request is for minor adjustment to the size of signage for the installation of a new directional/wayfinding sign. (971)

RECEIVED
(Click here for Notice)

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

C. From Maria Roja (1-3-2019) resigning from Conservation & Environment Commission. (321)

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

D. From Richard Messenger (1-15-2019) resigning from the Greater Hartford Transit District. (321)

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

E. From Judith Borden (1-28-2019) resigning from the Human Rights Commission. (321)

RECEIVED

Motion by Beth Kerrigan, second by Leon Davidoff.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

14. PETITIONS

None

15. EXECUTIVE SESSION

At 10:00 pm motion by Mayor Cantor to convene into Executive Session for the purpose to discuss strategy concerning potential litigation to recover unpaid or inappropriately held money by a former contractor.

Present to discuss the matter: Mayor Cantor, Council Members Barnes, Davidoff, Dodge, Fay, Kerrigan, Sweeney, Wenograd, and Williams; Corp. Counsel Alair; Town Manager Matthew W. Hart; and Attorney Tom Gerarde.

At 10:22 pm motion by Mayor Cantor and seconded by Councilor Kerrigan it was voted to reconvene into Public Session.

16. Adjournment

MOTION TO ADJOURN at 10:24 PM

Motion by Shari Cantor, second by Beth Kerrigan.

YES: Chris Barnes, Shari Cantor, Leon Davidoff, Dallas Dodge, Mary Fay, Beth Kerrigan, Liam Sweeney, Ben Wenograd, Chris Williams

17. Suspense Items

A. Resolution to Appropriate \$50,000 in the General Fund for Legal Services. (40)

ADOPTED

Motion by Shari Cantor, second by Beth Kerrigan.

YES: Chris Barnes, Leon Davidoff, Dallas Dodge, Mary Fay, Liam Sweeney, Ben Wenograd, Chris Williams

WHEREAS, in the course of normal operations the Town of West Hartford obtains the services of outside legal counsel; and

WHEREAS, West Hartford would like to increase the appropriation for legal services by \$50,000;

NOW, THEREFORE, BE IT RESOLVED BY THE WEST HARTFORD TOWN COUNCIL that an appropriation for legal services is hereby authorized and the fiscal year 2018-2019 budget of the General Fund is hereby amended as follows:

Increase Estimated Revenue

01-911000-90000-9075 Miscellaneous Revenue - Overpayments \$50,000

Increase Appropriations

01-130100-10102-2064 Legal fees \$50,000

B. Resolution Authorizing Settlement of Claim. (40)

ADOPTED

Motion by Shari Cantor, second by Beth Kerrigan.

YES: Chris Barnes, Leon Davidoff, Dallas Dodge, Mary Fay, Liam Sweeney, Ben Wenograd, Chris Williams

Be it resolved that the Administration of the Town of West Hartford is authorized to settle the case entitled Heather C. DiMauro v. Town of West Hartford, Superior Court of Connecticut Docket No. HHD-CV17-6080771-S for the sum of One Hundred Seventy Five Thousand Dollars and Zero Cents (\$175,000).



Essie S. Labrot
Town Clerk/Council Clerk

APPROVED AT MARCH 12, 2019 TOWN COUNCIL MEETING